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J1048 U.S. PTO

12-03-01

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Attorney's Docket: 062891.0579

PATENT APPLICATION

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TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

11017 U.S. PTO  
09/997453  
11/27/01

**Box Patent Application**  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Attorney's Docket: 062891.0579

Sir:

Transmitted herewith for filing is the original patent application of:

Inventor: Malcolm M. Smith

For: COMMUNICATION SYSTEM WITH FLOATING PHYSICAL  
CHANNEL

**Pursuant to 37 C.F.R. § 1.213(a), Applicants respectfully request that the above-identified patent application not be published under 35 U.S.C. § 122(b). Applicants hereby certify that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.**

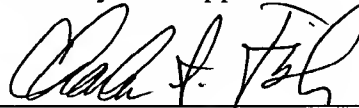
Enclosed are:

- (1) 76 pages of Specification, Claims and Abstract;
- (2) 10 pages of Formal Drawings;
- (3) An Assignment of the invention to Cisco Technology, Inc. is attached. A separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37
- (4) 1 page Nonpublication Request Under 35 U.S.C. § 122(b)(2)(B)(i);
- (5) 2 pages of Executed Declaration and Power of Attorney;
- (6) 1 page Certificate of Mailing by Express Mail;
- (7) This Transmittal Form with attached patent application filing fee in the amount of \$1,628.00.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$740.00
Total Claims	60	20	40	X \$18 =	720.00
Independent Claims	5	3	3	X \$84 =	268.00
TOTAL FILING FEE =					\$1,628.00

Enclosed is a check in the amount of \$1,628.00 for filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.  
Attorneys for Applicants



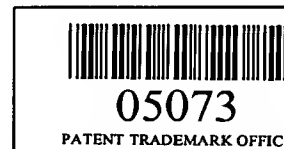
Charles S. Fish  
Registration No 35,870

Date: November 27, 2001

CORRESPONDENCE ADDRESS:

Correspondence Address:

X Customer Number or Bar Code Label



ATTORNEY DOCKET NO.  
062891.0579

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Malcolm M. Smith  
Date Filed: November 27, 2001  
Title: COMMUNICATION SYSTEM WITH  
FLOATING PHYSICAL CHANNEL


**BOX PATENT APPLICATION**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application (76 pages, including Specification, Claims, and Abstract), Declaration and Power of Attorney, Assignment and Assignment Cover sheet, 10 sheets of Formal Drawings, Fee Transmittal, a check in the amount of \$1,628.00 to cover the application filing fee, a check in the amount of \$40.00 to cover the Assignment fee, Non-Publication Request, and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 27th day of November, 2001 and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

  
Levado Hamilton

Express Mail Receipt

No. EL501003965US

Attorney Docket No. 062891.0579

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Malcolm M. Smith
	Title	COMMUNICATION SYSTEM WITH FLOATING PHYSICAL CHANNEL
	Atty Docket Number	062891.0579

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 27, 2001  
Date

BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
Signature

Charles S. Fish  
Typed or printed name  
Reg No. 35,870

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.